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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/728,904

12/08/2003

Haru Ando

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03/30/2009

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EXAMINER

MUSSELMAN, TIMOTHY A

ART UNIT

PAPER NUMBER

3715

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DELIVERY MODE

03/30/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/728,904	<b>Applicant(s)</b> ANDO ET AL.	
	<b>Examiner</b> TIMOTHY MUSSELMAN	<b>Art Unit</b> 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4,8 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4,8,20-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/17/2009 has been entered, and claims 4, 8, and 20-25 are pending in this application. Claims 1-3, 5, 9-11, and 13 have been cancelled previously, claims 6-7 and 12-19 are cancelled herein, and new claims 20-25 have been added.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 8 and 24 are rejected under 35 U.S.C. 112, 2nd paragraph for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention.** Claims 8 and 24 contain the limitation wherein a grouping section 'extracts a reply source terminal from each of the replies to said lecture related contents, and sorts said students into groups based on the inclusive relation of said source terminal'. Examiner is unable to extract any meaning from this statement, because it is not clear what is meant by 'inclusive relation of said source terminal'. There is no language specifying what this 'inclusive relation' of the source terminal is, and thus it is unclear on what basis the students are sorted into groups. Until clarification is provided, examination on the merits for claims 8 and 24 is precluded.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of the relevant portion of 35 U.S.C. 103 that forms the basis for the rejections made in this section of the office action;

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

**Claims 4, 20-21, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norcott et al. (US 6,775,518) in view of Morton et al. (US 2005/216443).**

**Regarding claims 4, 21, and 23**, Norcott discloses an information management server, to distribute lecture material to a student terminal networked with said student terminal and an instructor terminal. See col. 4: 26-43 and col. 7: line 1. Norcott further discloses an accumulator section to accumulate electronic data on said lecture contents. See col. 2: 62-65, and note that the 'content media storage' is analogous to an accumulator section. Norcott further discloses a holding section to hold lecture-related information relating to the lecture contents. See col. 2: 62-65, and note that the 'test database' is analogous to a holding section for lecture related information, because the tests are related to the lectures (see col. 3: 19-22).

Norcott further discloses a send section to send said lecture contents and said lecture-related information to said student terminal. See col. 4: 26-30. Norcott further discloses an analyzer section to analyze electronic data on said lecture contents, and a matcher section to link said lecture-related information with said lecture contents based on said analysis results. See col. 6: 5-10. Norcott further discloses a control section for selecting lecture contents linked to said lecture related information based on a reply to said lecture-related contents sent from said student terminal. See col. 6: 32-47. Norcott further discloses a matching section for matching relevant portions of the lecture content with the lecture related information and supplying this remedial content to the student based on their replies to the lecture related information (i.e. remedial information is supplied based on the students answers to questions). See col. 6: 26-46.

Norcott further discloses wherein the matched lecture content can be in the form of digital video or audio (see col. 6: 13-14). Norcott further discloses wherein said send section sends practice problems relating to said lecture contents as said lecture-related information, and said control section selects lecture contents linked with said practice problems based on true-false judgment results of replies to said practice problems sent from said student terminal. See col. 6: 22-46.

Norcott is silent as to how, specifically, the remedial lecture content is selected, and specifically fails to teach of an analyzer for extracting text information and/or drawing information from video information contained in said lecture contents, and for extracting text information from audio or video information contained in said lecture contents, time stamping the extracted information by sentence and by drawing. However, Morton discloses a system for extracting searchable information from media files that includes this feature. See paragraphs 0019 and 0059. Note that the searchable index constitutes information *extracted* from the media file. Also note that Morton teaches in paragraph 0028 the concept of time stamping the relevant returned media intervals. This is also clearly illustrated in fig. 7, label 330. Norcott further discloses in paragraph 0078 that the intervals can be grouped by specific sentences or visual objects. It is described in paragraphs 0189 and 0190 that the visual objects can be background information in the video scene. The example presented in this citation describes wherein the background information can be information extracted from slides during a lecture, and it is reasonably well known that lecture slides often contain drawings, and in fact, could be interpreted as drawings in and of themselves. Since Norcott discloses the remedial lecture presentations, and Norcott discloses searching media files specifically for use with educational systems and the presentation of remedial material (see paragraph 0019), it would have been obvious to one of ordinary skill in the art at the time of the invention to combine these teachings, since doing so would merely be fulfilling the intended use of the invention of Morton by utilizing it with a standard CBT system such as Norcott. Note that in paragraphs 0197 and 0198 Morton describes wherein the search terms are extracted from the audio and video, and the time segments of the spoken sentences and also the video with the relevant terms are collated on a time axis (collated in the sense that overlapping and adjacent intervals are joined).

**Regarding claims 20 and 25**, Morton describes wherein the search terms are extracted and the sentences with the relevant terms spoken are collated on a time axis with the video segments containing the word visually. See paragraphs 0197 and 0198. The terms are collated in the sense that overlapping and adjacent intervals are joined, and the intervals refer to both the audio and visual recognition of the key term. Note also that this extracted data is searched for the relevant terms (the reason it was extracted in the first place) which are related to the search for remedial information. The search for remedial information and further questions related to the remedial information are disclosed by Norcott in col. 6: 22-46. The combination of Norcott and Morton would be obvious to one of ordinary skill in the art for the reasons described above with regard to claims 4 and 23.

### ***Response to Arguments***

Applicant's arguments and remarks dated 3/17/2009 have been fully considered. With regard to points 1 and 2 that applicant argues on page 11, applicant argues that Morton does not disclose wherein the media file is searched for information for both visual and audio segments, and then wherein the video and audio segments are collated based upon 'hits' for the relevant search terms. However, in paragraph 0197, Morton discloses wherein the hits for the term are indexed by time, both according to 'spoken' and also 'visual' appearances of the term. Paragraph 0198 describes wherein all of these time segments are collated based upon location, and explicitly describes wherein one of the factors in collation is whether or not the time segments overlap. It is described that overlapping segments are joined (i.e. collated). Note that these are clearly distinct segments that are joined, and these segments are both audio and visual in nature.

With regard to argument point 3 on page 11, applicant is directed to the 35 U.S.C. 112 rejection above. Examiner is not clear what applicant is intending to claim, and clarification is required.

Art Unit: 3715

With regard to argument point 4 on page 11, it has already been explained above wherein the system of Morton discloses finding data overlaps between the spoken and visual aspects of the system, and collates the data (i.e. joins the segments). The collated data could be reasonably interpreted as 'overlap flag data', as examiner believes this is the same manner of data applicant is claiming (i.e. the joined multimedia data). There is no explicit teaching of an 'overlap flag', yet the determination of overlapping in itself requires some equivalent marking feature in order to indicate to the system to join the media segments. The general search for remedial information and also for further questions related to the remedial information is disclosed by Norcott in col. 6: 22-46.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY MUSSELMAN whose telephone number is (571)272-1814. The examiner can normally be reached on Mon-Thu 6:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./  
Examiner of Art Unit 3715

/XUAN M. THAI/  
Supervisory Patent Examiner, Art Unit 3715

Application/Control Number: 10/728,904  
Art Unit: 3715

Page 7